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FILED

JUN 25 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PALO MOBILE ESTATES ASSOCIATES, a)	CASE NO: 4:07-03601 PJH
California limited partnership,)	
Plaintiff,)	STIPULATION TO CONTINUE CASE
v.)	MANAGEMENT CONFERENCE;
CITY OF EAST PALO ALTO, a municipal)	[PROPOSED] ORDER
corporation; DOES 1 through 10, inclusive,)	
Defendants.)	Superior Court Action Filed: June 12, 2007
	Removed to Federal Court: July 12, 2007
	Trial Date: None Set

WHEREAS, the Court has stayed this matter at the request of both parties pending the outcome of the concurrent petition for a writ of mandate in the San Mateo County Superior Court ("Case No. CIV 467731");

WHEREAS, whereas Case No. CIV 467731 sought a writ compelling the City of East Palo Alto ("City") to vacate Ordinance No. 305, which imposed certain conditions on mobilehome park conversions from rental-only facilities to resident ownership pursuant to Government Code section

66427.5 within the City;

WHEREAS, the San Mateo County Superior Court entered a writ in Case No. CIV 467731 on June 24, 2008 (“Writ”);

WHEREAS, this action seeks damages related to the City’s adoption of Ordinance No. 305 and its effect on plaintiff Palo Mobile Estates Associates’ (“PME”) application to convert its mobilehome park from a rental-only facility to resident ownership pursuant to Government Code section 66427.5 (“Application”);

WHEREAS, the City, through its City Council, approved PME’s final map, thereby conferring final approval on the Application, on April 20, 2010;

WHEREAS, this Court continued the Case Management Conference set for June 3, 2010 to July 1, 2010 to allow for settlement negotiations after the City’s final decision on PME’s Application;

WHEREAS, City has presented PME with its initial opinion regarding liability and PME is preparing a response to fully address the possibility of settlement and therefore the parties are now in the midst of settlement discussions;

WHEREAS, Counsel for PME Thomas Casparian will be on vacation from August 16 through 20;

WHEREAS, Counsel for the City Benjamin Fay will be on vacation and travelling out of the country and the state from July 29 through August 19;

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1 ACCORDINGLY, IT IS HEREBY STIPULATED by PME and the City, by and through their
2 respective counsel, that:

3 This Court continue the stay in this action and continue the Case Management Conference to
4 August 26, 2010.

5 GILCHRIST & RUTTER

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7 Dated: June 24, 2010

By: _____/s/
Thomas W. Casparian
Attorneys for Plaintiff
PALO MOBILE ESTATES ASSOCIATES

10 JARVIS, FAY, DOPORTO & GIBSON, LLP

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12 Dated: June 24, 2010

By: _____/s/
Benjamin P. Fay
Attorneys for Defendant
CITY OF EAST PALO ALTO

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16 **ORDER**

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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21 Dated: June 25, 2010

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Honorable Phyllis J. Hamilton
Judge, United States District Court

23 J:\Clients\103 [E. Palo Alto]\010 (Palo Mobile Estates Complaint (Fed))\Plead\Stipulation and Order to Continue CMC 6-24-10.wpd
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